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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,792	04/04/2001	Kouzou Kage	P/1139-99	2659

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STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS-41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER	
WOZNIAK, JAMES S	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/825,792	KAGE ET AL.	
	Examiner	Art Unit	
	James S. Wozniak	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/4/2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/8/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract *not exceed 150 words in length* since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the other person's language" in Line 4, "the time of establishing a phone line" in Lines 8-9, and "the fee" in Line 21. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brotz (U.S. Patent: 4,882,681) in view of Adachi et al *(U.S. Patent: 4,866,670)*, and further in view of Davitt et al (U.S. Patent: 5,392,343).

With respect to **Claim 1**, Brotz discloses:

Delivering language information as to its own language as well as the other person's language, a telephone number of a first telephone terminal as well as a telephone number of a second telephone terminal belonging to said other person *(telephone numbers would be inherently included and required in order to establish the connection between the two cellular telephone devices shown in Fig. 2)* together with information for requesting translation from said first telephone terminal to a network at the time of establishing a phone line *(selector frequency, Col. 3, Lines 32-54)*,

Connecting said first telephone terminal with said second telephone terminal by means of said network through a translating apparatus, which has been previously prepared *(Col. 3, Lines 32-54, and Fig. 2)*;

Translating a speaking in said first telephone terminal and a speaking in said second telephone terminal by means of said translating apparatus in accordance with said language information to deliver both the spoken contents translated to their opposite parties' telephone terminals, respectively *(Col. 3, Line 32- Col. 4, Line 58, and language translators, Fig. 2)*; and

Brotz does not teach a means for counting the translation time, however Adachi discloses such a means *(Col. 3, Lines 5-23)*.

While neither Brotz nor Adachi teaches the means of charging a caller a call fee as a combination of call and translation fees, Davitt recites adding services for a language translator (interpreter) to a billing for an actual telephone call *(Col. 5, Line 59- Col. 6, Line 5)*. Also it would have been obvious to one of ordinary skill in the art, at the time of invention, that a call to a language interpreter would be billed in a manner similar to a common phone call and thus, determined by the call time since the call is a bridged separate call to an additional service and features a separate toll switch *(Col. 5, Line 49- Col. 6, Line 5, and Fig. 1, Element 28)*.

Brotz, Adachi, and Davitt are analogous art because they are from a similar field of endeavor in language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Brotz with the means of calculating a translation time as taught by Adachi and the billing calculation means disclosed by Davitt in order to provide a means of calculating a translation time to implement a convenient method of

determining a total amount of a call cost to obtain appropriate payments for a translation service which would otherwise increase system operation costs.

With respect to **Claim 2**, Brotz additionally discloses:

The first telephone terminal and the second telephone terminal are cellular phones *(cellular telephone, Col. 3, Lines 24-27)*.

With respect to **Claim 3**, Davitt additionally discloses:

Network is a fixed telephone network *(POTS, Col. 6, Lines 12-17)*.

With respect to **Claim 4**, Brotz in view of Adachi, and further in view of Davitt teaches the speech translation system featuring a billing calculation means, as applied to Claim 1. Although neither Brotz, Adachi, nor Davitt specifically suggest that the telephone network is an internet phone network, the examiner takes official notice that it would have been obvious to utilize a telephone system internet network embodiment to further increase method compatibility with a commonly used and readily available internet telephone network type.

Claims 5-8 contain subject matter similar to Claims 1-4, respectively, and thus, are rejected for the same reasons.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Venkatraman et al *(U.S. Patent: 5,844,973)*- teaches a telephone billing means that adds additional service charges, including translation fees, to a regular call rate.

- Cherney *(U.S. Patent: 6,085,162)*- teaches a method for real-time translation of telephone speech.
- Van Alstine *(U.S. Patent: 6,175,819)*- discloses a method for the translation of speech over a telephone network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached at (703) 305-4827. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak
11/3/2004

DAVID OMETZ
PRIMARY EXAMINER
ART UNIT 2653